



IN 09/655,074

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NAKA et al. Examiner: ALEXANDER, LYLE *7/10 (Ne)*  
Serial No.: 09/655,074 Group Art Unit: 1743 *8-1-02*  
Filed: September 5, 2000 Docket No.: 10873.164USC2 *J. Jackw*  
Title: DEVICE AND METHOD FOR ANALYZING A SAMPLE

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 077891516 US  
Date of Deposit: July 18 2002

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents and Trademarks, Washington, D.C. 20231.

By: *John Junkers*  
Name: John Junkers

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TERMINAL DISCLAIMER TO OBLIGATE  
A DOUBLE PATENTING REJECTION

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Petitioner, Arkray, Inc., through the undersigned attorney-of-record, represents that it is the owner of by assignment of U.S. Serial No. 09/655,074 and U.S. Patent No. 6,001,307.

Petitioner, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,001,307 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,001,307, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

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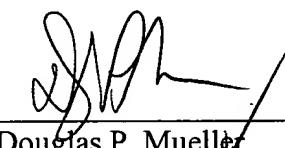
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In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,001,307, in the event that United States Patent No. 6,001,307 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

MERCHANT & GOULD P.C.  
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July 18, 2002  
Date

Douglas P. Mueller  
Reg. No. 30,300  
DPM/rmz



**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to \_\_\_\_\_ months.

Petitions Examiner

*J. P. B.*  
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